

# EXHIBIT E

## Covenant Homeownership Downpayment Assistance Program Special Purpose Credit Program

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***Please see [Section 13 \(Downpayment Programs\)](#) of the Home Advantage or House Key manual for all other program guidelines, terms and conditions. The Covenant first mortgage program follows the underwriting guidelines as the Home Advantage first mortgage, except for the income limits and requirements as stated in this manual.***

***IN ORDER TO ORIGINATE THIS DPA, LOAN OFFICERS MUST COMPLETE THE COVENANT HOMEOWNERSHIP DPA TRAINING IN ADDITION TO THE COMMISSION HOME LOAN PROGRAMS TRAINING. LINK TO TRAINING IS [HERE](#)***

### **INTRODUCTION**

The Commission thanks the Washington Legislature for its bipartisan support for the [Covenant Homeownership Act](#), HB 1474, with special appreciation to the leadership of Rep. Jamila Taylor, Sen. John Lovick, and Rep. Frank Chopp. This landmark legislation makes Washington the first state to acknowledge and address the role of governments as both active and passive participants in discriminatory policies and practices that created barriers to credit and homeownership for historically marginalized communities in Washington.

The term “covenant” in the name of the Act refers to the racially restrictive clauses used in deeds and other property records in neighborhoods throughout the state of Washington in order to keep people out based on their race, ethnicity or other characteristics. The Covenant Homeownership Act represents a new commitment to correct this injustice, and other housing discrimination, such as redlining and exclusionary zoning, and to help impacted families begin building wealth through homeownership.

### **The new law has two important parts:**

- 1. [A research study](#)** to investigate housing discrimination against marginalized communities in Washington, the role government institutions had in the discrimination, the ongoing impacts of the discrimination, and potential remedies for the impacts. These findings helped determine who is eligible for assistance and establish the framework for creation of a Special Purpose Credit Program under the Equal Credit Opportunity Act of 1974.
- 2. [A new source of funding](#)** for homebuyer assistance from a \$100 document recording assessment on every real-estate transaction. These fees will be deposited into the Covenant Homeownership Account and fund this Special Purpose Credit Program, which was designed and implemented based on the findings of the research study.

**PROGRAM PER LEGISLATION:**

- This program is a downpayment assistance loan program (not a grant).
- This program must work in conjunction with the Covenant Homeownership First mortgage program.  
-OR-  
Homebuyers can use a Home Advantage or House Key first mortgage. Further restrictions apply.
- Homebuyers using a Home Advantage or House Key first mortgage may add another Commission downpayment program. Further restrictions apply.
- Homebuyers may add other Community Second downpayment programs outside of those offered at the Commission.

***Homebuyer(s) must be:***

- A Washington Resident who either (1) was a resident on or prior to April 11, 1968 and was or would have been excluded from homeownership by a racially restrictive covenant on or prior to April 11, 1968, or (2) is a descendent of a person described in clause (1)
- A first-time homebuyer
- At or below 100% of AMI
- Purchasing a home for owner occupancy

Other requirements to work with Commission's programs:

- Must attend a Commission-sponsored homebuyer education class.
- Must have a home inspection.

***MORTGAGE DETAILS***

Interest Rate - 0% simple interest, payment deferred.

Loan Term/Repayment – Due at the time of sale, transfer, refinance, payoff of 1<sup>st</sup> mortgage, no longer occupying as primary residence, or 30 years (whichever comes first). Upon refinance the Covenant DPA mortgage may be continued and subordinated if, and only when, refinancing with a Home Advantage first mortgage. Further restrictions apply. Further details will be forthcoming.

Maximum Loan Amount – Up to 20% down not to exceed \$150,000, plus applicable and customary closing costs (per Community Second guidelines) paid by homebuyer.

Example:

\$400,000 purchase price with \$12,000 in traditional homebuyer closing costs.

20% X \$400,000 = \$80,000. Max Loan amount would be \$92,000 (\$80k + \$12k).

The amount of downpayment assistance is based on the purchase price or appraised value of the property, whichever is less. Closing costs are based upon exact costs paid by the homebuyer. In no event will the loan amount exceed \$150,000 plus allowable closing costs. If the buyer's closing costs are decreased at closing, the Covenant DPA amount may also need to be reduced, or the DPA loan may be subject to principal reduction after closing.

The amount of downpayment assistance also is based on need and is dependent upon the homebuyer's income as determined using the Covenant Needs Assessment Form. On the Covenant Needs Assessment Form, if the borrowers front-end DTI ratio is less than 25% based on the appropriate income for the downpayment assistance program, the underwriter will decrease amount of subsidy to bring the front-end DTI ratio to acceptable assistance base levels for gap financing. The borrowers must qualify with the 25% ratio test in order to be eligible for gap financing.

There is no assessment of the homebuyer's assets under this program. The homebuyer may use their own assets in combination with this downpayment assistance program with no restrictions. The homebuyer is not required to use their own cash for closing.

This Covenant Homeownership Downpayment Assistance Program uses "Credit Underwriting Income" for income calculation. Please see Home Advantage and House Key manuals for further details regarding the [Credit Underwriting Income](#). The lender should refer to the table below for the Maximum Income Limits applicable to this program.

Further restrictions may apply if layered with other Commission downpayment programs.

#### ***MAXIMUM INCOME LIMIT (Revised 7/1/2024)***

Eligible homebuyers must be at or below [100% of the area median income](#) for the county in which they are purchasing a home. Income is calculated per the lender's AUS and underwriting approval must be at or below 100% of the area median income for the county as set forth in the table below. Further restrictions apply if using the House Key program.

Adams County	\$ 72,700
Asotin County	\$ 84,300
Benton County	\$ 99,900
Chelan County	\$100,300
Clallam County	\$ 93,900
Clark County	\$116,900
Columbia County	\$101,300
Cowlitz County	\$ 86,400

Douglas County	\$100,300
Ferry County	\$ 75,500
Franklin County	\$ 99,900
Garfield County	\$ 79,500
Grant County	\$ 81,800
Grays Harbor County	\$ 80,800
Island County	\$102,000
Jefferson County	\$ 88,300
King County	\$147,400
Kitsap County	\$119,700
Kittitas County	\$ 99,800
Klickitat County	\$ 84,900
Lewis County	\$ 89,000
Lincoln County	\$ 83,800
Mason County	\$ 99,000
Okanogan County	\$ 72,800
Pacific County	\$ 82,400
Pend Oreille County	\$ 80,300
Pierce County	\$112,300
San Juan County	\$104,700
Skagit County	\$102,800
Skamania County	\$116,900
Snohomish County	\$147,400
Spokane County	\$100,100
Stevens County	\$ 82,800
Thurston County	\$116,700
Wahkiakum County	\$ 72,600
Walla Walla County	\$ 90,200
Whatcom County	\$106,300
Whitman County	\$ 93,400
Yakima County	\$ 78,600

## ASSUMPTIONS

Covenant Homeownership DPA second loans are not assumable.

-unless-

Upon death of homebuyer, a qualifying descendant of the original qualifying homebuyer who meets all program guidelines for the Covenant DPA second may assume the Covenant DPA second loan if the first mortgage loan is also assumable. The Commission **at its discretion may** allow a qualifying

descendant per above to refinance the first mortgage on the Home Advantage Program upon the death of the borrower.

**Removal of Homebuyer:**

In the case of an FHA first mortgage when there is more than one occupying and qualifying homebuyer on the loan, a homebuyer can be removed from the Covenant DPA second loan following all normal guidelines. All other terms and conditions apply.

***WHO WAS IMPACTED BY HOUSING DISCRIMINATION PER STUDY?***

At least one homebuyer on the note and deed of trust must occupy the home and have been (or have a parent or grandparent who was) a Washington resident before April 11, 1968. The pre-1968 resident must be in one of the categories identified in the study: Black, Hispanic, Native American(tribe)\*, Alaska Native(tribe)\*, Native Hawaiian, Pacific Islander\*\*, Korean, or Asian Indian.

The U.S. Census follows the U.S. Office of Management and Budget definitions for these categories:

**\*American Indian/Alaska Native:** Individuals with origins in any of the original peoples of North, Central, and South America, including, for example, Navajo Nation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, Aztec, and Maya.

**\*\*Pacific Islanders:** Individuals with origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands, including, for example, Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, and Marshallese.

As required by the Act, the Commission will rely on records to confirm both race and residency in Washington prior to April 11, 1968. The homebuyer will need to provide documentation showing they qualify for the program.

Per the Act at least one of the homebuyers must be a Washington resident who:

*Was a Washington state resident on or before the enactment of the federal fair housing act (Title VIII of the civil rights act of 1968; P.L. 90-284; 82 Stat. 73) on April 11, 1968, and was or would have been excluded from homeownership in Washington state by a racially restrictive real estate covenant on or before April 11, 1968; or is a descendant of a person who meets the criteria.*

*The borrower is required to show records that show a person's address on or about a specific date or include a reference indicating that a person is a resident of a specific city or area on or about a specific date may be used to provide proof that a person satisfies the criteria in such as genealogical records, vital records, church records, military records, probate records, public records, census data, newspaper clippings, and other similar documents.*

## ***DOCUMENTATION OF RESIDENCY AND ETHNICITY***

The lender must submit the family history documentation to the Commission at the time of loan reservation of funds if not sooner. It is highly recommended the lender submit documents to the Commission **prior** to the homebuyer(s) making an offer on a property. A letter of explanation should also accompany the documents to the Commission clarifying the family history and relationships of descendants.

The Commission intends to be as flexible as possible in accepting documentation and will refer to the statutory description of acceptable documents for guidance. Any unclear or inconclusive documentation will be reviewed by an internal committee.

Documents to be submitted with the pre-closing compliance file should be for:

- Either homebuyer themselves
- Or direct ancestor – usually parent or grandparent

The Department of Health [Vital Records Department](#) is a good source for official records

Free resources for research can be found here:

[Legacy Washington](#)  
[Family Search Genealogy](#)

Local public libraries are a useful resource. You can often access Ancestry.com for free.

[Seattle Public Library](#)

[King County Library Research](#)

[Tacoma Public Library](#)

Paid services such as [Ancestry.com](#), [MyHeritage.com](#) and [Newspapers.com](#) are also useful resources.

The Commission will continue to add resources to this section known sources and document types to assist homebuyers with compiling documents. Acceptable non-photo documents include, but are not limited to:

- Birth & Death certificates
- Death certificates
- Probate Records
- Marriage certificates
- Military records
- Tribal membership records
- Draft Card
- Social Security Claims & Applications
- WA State Concealed Weapon License
- School records
- Church records
- Newspaper clippings
- Employer records
- Genealogical records from reliable sources
- Census data
- Obituaries
- Historical Societies

## ***WASHINGTON RESIDENT***

The homebuyer must be a Washington Resident as evidenced by a Washington Driver's License or State ID. The Washington Driver's License or State ID must be submitted with the pre-closing file review package.

## ***FIRST TIME HOMEBUYER***

All borrowers on the Note & DOT must be a first-time homebuyer.

Further restrictions apply when using the House Key program.

First time homebuyers include:

- (a) An individual and the individual's spouse who has had no ownership in a principal residence during the three-year period ending on the date of purchase of the property.
- (b) A single parent who has only owned a home with a former spouse while married.
- (c) An individual who is a displaced homemaker as defined in 24 C.F.R. Sec. 93.2 as it exists on July 23, 2023, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, and has only owned a home with a spouse.
- (d) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations; or
- (e) An individual who has only owned a property that is determined by a licensed building inspector as being uninhabitable.

Non occupant co-borrowers and co-signers are allowed under the program. Further restrictions apply if using House Key.

## ***HOMEBUYER EDUCATION & COUNSELING***

The Homebuyer(s) are required to attend a Commission-approved Homebuyer Education Seminar. One-on-one pre-purchase counseling is highly recommended, in addition to attendance at a Commission-sponsored free Homebuyer Education Seminar.

One-on-one post-purchase counseling for the Homebuyer is also encouraged within 30 days of closing, with the same agency that conducted the pre-purchase one-on-one counseling.

## **PURCHASE PRICE LIMITS**

There are no purchase price limits. However, further restrictions apply when using the House Key program and specialty downpayment assistance programs.

## **PROPERTY TYPE**

One-unit single-family detached, attached, condos, manufactured homes and PUD's that are acceptable to Fannie Mae, Freddie Mac, FHA, VA, or USDA Rural Development requirements and the approved Fannie Mae or Freddie Mac PMI provider, as applicable, are acceptable under the Program.

Duplexes (2-unit) properties that are acceptable to FHA, VA, Fannie Mae or Freddie Mac and approved PMI provider, as applicable, are eligible under the Program unless using the House Key program or specialty downpayment assistance programs. Please follow agency guidelines. Triplexes or Fourplexes are not permitted under the Program.

For FHA: Single-unit condo property is permitted under the Program. Please follow agency guidelines, including the Case Number Assignment process outlined in the FHA handbook 4000.1.

## **DOCUMENTS REQUIRED**

Items below in **bold** should be sent by the lender to the Commission via [homedocs@wshfc.org](mailto:homedocs@wshfc.org) for review PRIOR to homebuyers going into contract.

- Proof of first-time homebuyer status for borrowers on the note & DOT to include 3 years complete tax returns and copy of credit report or divorce decree; **-or-** evidence that the property is not permanently affixed or uninhabitable as applicable.
- Washington Driver's License or Washington ID to document residency.
- A Commission sponsored Homebuyer Education Certificate for all homebuyers on both the Note and Deed of Trust
- Inspection Receipt
- **Documents to show Washington residency of homebuyer or homebuyer's parent or grandparent prior to April 11, 1968 along with letter of explanation.**
- **Document(s) to evidence the race of the person who meets the pre-1968 Washington residency requirement (homebuyer or homebuyer's parent or grandparent). Use of a photo to document race is not acceptable.**
- **If using documentation for a parent or grandparent, documents and letter of explanation to show relationship to homebuyer.**
- **Brief statement describing homebuyer's or homebuyer's parent's or grandparent's experience of housing discrimination (for instance through redlining, loan denial based on race, exclusionary zoning, restrictive covenants, etc.)**
- DNA tests, attestations and photographs alone are not adequate documentation.
- AUS and Underwriter approval to document income.
- **If manually underwritten, provide a second signature or written email approval**

from a supervisor.

## FAQs

**Q: Can this program be combined with other Commission downpayment programs?**

**A:** Yes. However, the first mortgage rate must be Home Advantage or House Key.

**Q: If using other Commission downpayment programs, how should the documents be recorded?**

**A:** The Covenant Homeownership downpayment program should be recorded in third position behind another Commission downpayment program. Other community second programs can be recorded in fourth position.

**Q: What about adopted children born after 1968? Do they qualify?**

**A:** If the adopting parents were harmed by housing discrimination prior to 1968 and there is clear documentation showing a link to the homebuyer, we can assist.

**Q: My homebuyer has lived in Washington all of their life but does not have roots in Washington prior to the passage of the Fair Housing Act. What about them?**

**A:** The Commission offers other programs that may assist them in purchasing a home. The homebuyer should also call the Washington Homeownership Resource Center at 1-877-994-4663 for other types of assistance that may be available.

**Please Note:** The Commission anticipates opening a second phase of the Covenant Homeownership Downpayment Assistance Program within three to six months, assuming the continuing availability of funds. Phase II will expand the criteria for program eligibility beyond the first phase requirement that applicants must be in one of the racial categories identified in the Covenant Homeownership Study (Black, Hispanic, Native American, Alaska Native, Native Hawaiian, Pacific Islander, Korean, or Asian Indian). Following the recommendation in Chapter 4 of the [Covenant Homeownership Study](#) to evaluate expanding how people can meet the eligibility requirements for the Program after initial roll out, Phase II will include applicants who can prove they were impacted by racially restrictive covenants or other state discrimination in Washington State as documented in Chapter 1 and 2 of the Study. Phase II applicants will still need to meet the other statutory program requirements (including first-time homebuyer, 100% of AMI or below, and pre-1968 resident of Washington State, or a descendant of a pre-1968 resident of Washington State). More information regarding the documentation required for Phase II eligibility will be forthcoming.